



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lu-Yieng Liu et al

Art Unit : 1634

Serial No. : 10/025,137

Examiner : Jehanne E. Souaya

Filed : December 19, 2001

Title : METHOD FOR DETECTING ESCHERICHIA COLI

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VERIFIED STATEMENT UNDER 37 CFR §1.821(f)

I, Katica Magovcevic, declare that I personally prepared the paper and the computer-readable copy of the Sequence Listing filed herewith for the above-identified application and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3/19/2004

Katica Magovcevic
Katica Magovcevic

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
(617) 542-5070 telephone
(617) 542-8906 facsimile

20827840.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 29, 2004
Date of Deposit

Deborah R. Nasser
Signature

DEBORAH R. NASSER
Typed or Printed Name of Person Signing Certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lu-Yieng Liu et al Art Unit : 1634
Serial No. : 10/025,137 Examiner : Jehanne E. Souaya
Filed : December 19, 2001
Title : METHOD FOR DETECTING ESCHERICHIA COLI

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VERIFIED STATEMENT UNDER 37 CFR 1.825

I, Y. Rocky Tsao, hereby declare that

1. In an Office Action dated April 1, 2004, the Examiner objected to the sequence listing filed on April 9, 2002 for introducing new matter. The sequence listing includes, among others, SEQ ID NO: 1 (CGCAAGCTGAAAAAGTAG) and SEQ ID NO: 2 (TTAGGTGTATTGATTGTG), both of which were derived from 81889-83238 of the E. coli genome (GenBank Accession No. AP002562) listed below:

```
81889 atgacgcgca tgaatatct ggtggcagcc gccacactaa gcctgttttt ggcggttgc
81949 tcgggggtcaa aggaagaagt acctgataat ccgccaaatg aaatttacgc gactgcacaa
82009 caaaagctgc aggacggtaa ctggagacag gcaataacgc aactggaagc gttagataat
82069 cgctatccgt ttggtccgta ttcgcagcag gtgcagctgg atctcatcta cgctactat
82129 aaaaacgcgc atttgccgtt agcgcaggct gccatcgatc gttttattcg ccttaaccgc
82189 acccatccga atatcgatta tgtcatgtac atgcgtggcc tgaccaatat ggcgctggat
82249 gacagtgcgc tgcaagggtt ctttggcggt gaccgtagcg atcgcgatcc tcaacatgca
82309 cgagctgcgt ttagtgactt ttccaaactg gtgcgcggct atccaaacag tcagtacacc
82369 accgatgcca ccaaactgtt ggtattcctg aaagatcgtc tggcgaaata tgaatactcc
82429 gtggccgagt actatacaga acgtggcgca tgggttgccg tcgttaaccg cgtagaaggc
82489 atgttgccgc actaccgga taccaggct acgcgtgatg cgctgccgct gatggaaaat
82549 gcataccgtc agatgcagat gaatgcgcaa gctgaaaaag tagcgaaaat catcgccgca
82609 aacagcagca atacataaca gaaacctgaa acacaaaacg gcagcccttg agctgccggt
82669 tttttattct gtcagttgtg aaactgaagc gatttagtca ctatcgatct catcaaatat
82729 ggctcgcttt gagatattcc tcaagtaaaa aaacacctct tcctgcgatt tctcacaaaa
82789 aagattcggt gacaaaaagt gacaaaatta tgagatttcc atcacacatt ttgacatcag
82849 gaacggtatg ctgaattcac caagacggga agacaagagg taaaatttat gacaatgaac
```

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit June 29, 2004
Signature Jehanne E. Souaya
Typed or Printed Name of Person Signing Certificate JEHANNE E. SOUAYA

82909 attaccagca aacaaatgga aattactccg gccatccgcc aacatgtcgc agaccgtctc
82969 gccaaactgg aaaaatggca aacacatctg attaatecac atatcattct gtccaaagag
83029 ccacaagggt ttgttgctga cgccacaatc aatacaccta acggcggttct ggttgccagt
83089 ggtaaacaatg aagatatgta caccgcaatt aacgaattga tcaacaagct ggaacggcag
83149 ctcaataaac tgcagcacia aggcgaagca cgctcgtgcc caacatcggt gaaagacgcc
83209 aacttcgtcg aagaagttga agaagagtag

2. A paper copy and a computer-readable copy of a substitute Sequencing Listing, which contains 81889-83238 of the *E. coli* genome GenBank Accession No. AP002562 (SEQ ID NO: 12), are filed herewith. The contents of both copies are the same. The substitute Sequencing Listing contains no new matter.

3. The sequence of SEQ ID NO: 12 was the version used at the time this application was filed. See "[t]he present invention features *E. coli*-specific primers selected from the nucleotide sequence between 81889 and 83238 of *E. coli* genome (GenBank Accession No. AP002562)" at page 3, lines 3-4 of the Specification. SEQ ID NO: 1 is the same as 82574-82591 of GenBank Accession No. AP002562 (shown above underlined and bold, first sequence), and SEQ ID NO: 2 is complementary to 83069-83052 of GenBank Accession No. AP002562 (shown above underlined and bold, second sequence).

4. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,

Date: _____

6-29-04

Y. Rocky Tsao
Y. Rocky Tsao
Reg. No. 34,053
Attorney for Applicants

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906
20878310.doc